



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407
Website: www.dlt.state.ri.us/lrb

OPEN MINUTES **BOARD MEETING**

TIME: 9:00 a.m.
DATE: Thursday, December 21, 2006
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman
Frank J. Montanaro
John R. Capobianco
Ellen L. Jordan
Gerald S. Goldstein
Elizabeth Dolan

BOARD MEMBERS ABSENT: Joseph Mulvey

OTHERS PRESENT: Robyn H. Golden, Administrator
Dianalynn Saccoccio, Case Agent
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:15 a.m.

All members present reviewed the Open Minutes of the November 28, 2006 Board Meeting. A Motion was made by Frank Montanaro and seconded by John Capobianco to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written.

The meeting continued in open session:

REPRESENTATION CASES:

1. Case No. EE-3679
Town of West Warwick & NEARI

After review of the Investigator's report and the response submitted by the Union, a Motion was made by Frank Montanaro and seconded by John Capobianco to conduct an election by secret ballot, under the supervision of the Board or its Agent, at a time, date and place to be determined by the Board. Said election shall include all individuals' party to said Petition. After discussion, all Board members present voted in favor of the Motion.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3133
State of RI – Child Advocate's Office & RI Council 94, AFSCME, AFL-CIO
UNIT CLARIFICATION: Sr. Monitor and Evaluation Specialist;
Administrative Secretary

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the position(s) of **Sr. Monitor and Evaluation Specialist and Administrative Secretary**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3133. After discussion, all Board Members present voted in favor of the Motion.

2. Case No. EE-3517
State of RI – Board of Trustees of the William M. Davies, Jr. Career and Technical High School & William M. Davies, Jr. Career and Technical High School Teachers Association NEARI
UNIT CLARIFICATION: Chairperson of Guidance Services

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by John Capobianco and seconded by Elizabeth Dolan to acknowledge and accept the parties' signed agreement; that the position(s) of **Chairperson of Guidance Services**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3517. After discussion, all Board Members present voted in favor of the Motion.

DRAFTED DECISIONS:

1. Case No. ULP-5706
Department of MHRH & AFSCME

This case was heard formally by Walter Lanni, Joseph Mulvey, John Capobianco, Gerald Goldstein and Elizabeth Dolan. Frank Montanaro and Ellen Jordan reviewed the transcript and briefs, as well as the evidence submitted therein.

After review of the drafted decision, a Motion was made by Frank Montanaro and seconded by John Capobianco to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Elizabeth Dolan signed the Decision and Order as dissenting. Staff will contact Ellen Jordan, Gerald Goldstein, and Joseph Mulvey to ascertain their vote in this matter.

Ellen Jordan arrived at 9:33 a.m

After review of the matter, Ms. Jordan voted in favor of the motion, and did sign the Decision and Order as written; signing as dissenting.

Staff contacted Gerald Goldstein for his vote in this matter. Mr. Goldstein voted in favor of the motion, and did sign the Decision and Order, as written.

Staff contacted Joseph Mulvey for his vote in this matter. Mr. Mulvey voted in favor of the motion, and did sign the Decision and Order, as written.

ORDER: 1) The Employer is hereby ordered to bargain in good faith over the impact to the terms and conditions of employment resulting from increased levels of female forensic patients when the population exceeds three (3) patients.

2. Case No. ULP-5744
City of Cranston & Teamsters Local Union No. 251

A Motion was made by Elizabeth Dolan and seconded by Frank Montanaro to table this matter until the next Board Meeting. After discussion, all Board Members present voted in favor of the Motion.

3. Case No. ULP-5761
City of Cranston & RI Laborers' District Council

A Motion was made by John Capobianco and seconded by Elizabeth Dolan to continue this matter until the next Board meeting for re-drafting of the Decision and Order. After discussion, all Board Members present voted in favor of the Motion.

4. Case No. ULP-5769
Newport School Committee & Teachers' Association of Newport/NEARI

A Motion was made by John Capobianco and seconded by Elizabeth Dolan to continue this matter until the next Board meeting for re-drafting of the Decision and Order. After discussion, all Board Members present voted in favor of the Motion.

5. Case No. ULP- 5777
City of Warwick / Warwick Public Library & RI Federation of Teachers
& Health Professionals

A Motion was made by John Capobianco and seconded by Elizabeth Dolan to continue this matter until the next Board meeting for re-drafting of the Decision and Order. After discussion, all Board Members present voted in favor of the Motion.

MISCELLANEOUS MATTERS:

1. Superior Court Case KC 01-0650 (ULP-5406)
Town of East Greenwich & IBPO

Attorney Hogan informed the Board that a Dismissal Stipulation shall be entered in the above-entitled matter, based upon the intervening Decision by the RI Supreme Court Case - State of Rhode Island, Department of Environmental Management v. Rhode Island State Labor Relations Board, 799 A.2d 274, 2002. After careful consideration and discussion, a Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to vacate its Decision and Order as it pertains to this issue. After discussion, all Board Members present voted in favor of the Motion.

Frank Montanaro made a Motion for the Board to go into Closed Session for the purpose of reviewing the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Ellen Jordan, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:17 a.m.

The meeting resumed in open session at 10:20 a.m. for the purposes of reading into the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CHARGES:

1. Case No. ULP- 5821
Burrillville School Department & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: issue a Complaint and proceed to formal hearing.

MISCELLANEOUS MATTERS:

1. Closed Minutes – August 26, 2004, June 14, 2005, October 25, 2005,
April 11, 2006, September 7, 2006

DETERMINATION: open and post the Closed Minutes.

A Motion to adjourn was made by Elizabeth Dolan and seconded by John Capobianco, and it was unanimously,

VOTED: to adj